

**OFFICE OF THE DIRECTOR****DEPARTMENT OF MOTOR VEHICLES**

P.O. BOX 932328

SACRAMENTO, CA 94232-3280

**TITLE 13: DEPARTMENT OF MOTOR VEHICLES****NOTICE IS HEREBY GIVEN**

The Department of Motor Vehicles (the department) proposes to adopt Section 29.01 in Article 2.1, Chapter 1, Division 1, Title 13 of the California Code of Regulations, relating to commercial driver licenses.

**PUBLIC HEARING**

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

**DEADLINE FOR WRITTEN COMMENTS**

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on September 6, 2010, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

**AUTHORITY AND REFERENCE**

The department proposes to adopt the proposed action under the authority granted by Vehicle Code section 1651, in order to implement, interpret or make specific Vehicle Code section 15250 and Part 383 of Title 49, Code of Federal Regulations.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Department of Motor Vehicles (department) proposes to adopt Section 29.01 in Division 1, Chapter 1, Article 2.1, Title 13 of the California Code of Regulations, relating to the disqualification of commercial drivers.

Vehicle Code section 15250 allows the department to issue commercial driver licenses to applicants upon successful completion of specified written and driving tests. Knowledge and performance standards in the written and driving tests are designed to comply with provisions of the federal Commercial Motor Vehicle Safety Act of 1986, as well as Part 383 of Title 49, Code of Federal Regulations.

In order to ensure safety guidelines are followed by commercial driver license holders, federal regulations provide a period of commercial license disqualification when a license holder is convicted of a serious driving offense. During the disqualification period, a commercial driver license holder is prohibited from operating a commercial vehicle.

Section 383.51 of Title 49, Code of Federal Regulations, provides offenses that are determined to be serious in nature and provide disqualification periods for those offenses. To ensure clarity and consistency with federal regulations, the department has determined it necessary to identify offenses determined to be serious and document them in Title 13 of the California Code of Regulations.

## **FISCAL IMPACT STATEMENT**

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: This regulation will impact commercial driver license holders who are convicted of a serious driving offense. Once the department is notified of the conviction, the driver will be disqualified from operating a commercial vehicle for a period of time as specified in federal rules. Businesses may be impacted by the disqualification of an employee, however, these regulations only codify the penalties provided by federal regulations.
- Effect on Housing Costs: None.

## **DETERMINATIONS**

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in support of this proposal.
- The adoption of this regulation will neither create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.

- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action may affect small businesses if an employee is disqualified from driving a commercial vehicle.

### **PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS**

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

### **ALTERNATIVES CONSIDERED**

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

### **CONTACT PERSON**

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins  
Department of Motor Vehicles  
Legal Affairs Division  
P.O. Box 932382, MS C-244  
Sacramento, CA 94232-3820  
Telephone: (916) 657-6469  
Facsimile: (916) 657-1204  
E-Mail: [LRegulations@dmv.ca.gov](mailto:LRegulations@dmv.ca.gov)

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Catherine Sowell, Chief of Staff  
Telephone: (916) 657-6469

### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person

identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the initial statement of reasons and final statement of reasons, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (initial statement of reasons and express terms) may be accessed at [www.dmv.ca.gov/about/lad/regactions.htm](http://www.dmv.ca.gov/about/lad/regactions.htm).

#### **AVAILABILITY OF MODIFIED TEXT**

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.